



6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9641-6]

Public Water System Supervision Program Revision for the State of North Dakota

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice

SUMMARY: In accordance with the provisions of section 1413 of the Safe Drinking Water Act (SDWA), 42 U.S.C. 300g-2, and 40 C.F.R. 142.13, public notice is hereby given that the state of North Dakota has revised its Public Water System Supervision (PWSS) Program by adopting federal regulations for the Lead/Copper Rule Short-Term Regulatory Revisions and Clarifications and the Public Notice Rule that correspond to the National Primary Drinking Water Regulations (NPDWR) in 40 C.F.R. Part 141 and 142. The EPA has completed its review of these revisions in accordance with the SDWA and proposes to approve North Dakota's primacy revisions for the above stated rules.

Today's approval action does not extend to public water systems in Indian country, as defined in 18 U.S.C. 1151. Please see Supplementary Information, Item B.

DATES: Any member of the public is invited to submit written comments and/or request a public hearing on this determination by [insert date 30 days after FR is published]. Please see Supplementary Information, Item C, for details. Should no timely and appropriate request for a hearing be received, and the Regional Administrator (RA) does not elect to hold a hearing on his own motion, this determination shall become effective [insert date 30 days after FR publication]. If a public hearing is requested and granted, then this determination shall not become effective until such time following the hearing as the RA issues an order affirming or rescinding this action.

ADDRESSES: Written comments and requests for a public hearing should be addressed to: James B. Martin, Regional Administrator, c/o Michael Copeland, Drinking Water Unit (8P-W-DW), U.S. EPA, Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129.

All documents relating to this determination are available for inspection at the following locations: (1) U.S. EPA, Region 8, Drinking Water Unit (7th floor), 1595 Wynkoop Street, Denver, CO 80202-1129, (2) North Dakota Department of Health, Drinking Water Program, 918 East Divide Avenue, 3rd Floor, Bismarck, North Dakota 58501-1947.

FOR FURTHER INFORMATION CONTACT: Michael Copeland, Drinking Water Unit (8P-W-DW), U.S. EPA, Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129, 303-312-6010.

SUPPLEMENTARY INFORMATION: EPA approved North Dakota's application for assuming primary enforcement authority for the PWSS Program, pursuant to section 1413 of the SDWA, 42 U.S.C. 300g-2, and 40 C.F.R. Part 142. North Dakota Department of Health administers North Dakota's PWSS Program.

A. Why Are Revisions to State Programs Necessary?

States with primary PWSS enforcement authority must comply with the requirements of 40 C.F.R. Part 142 for maintaining primacy. They must adopt regulations that are at least as stringent as the NPDWRs at 40 C.F.R. Parts 141 and 142, as well as adopt all new and revised NPDWRs in order to retain primacy (40 C.F.R. 142.12(a)).

B. How Does Today's Action Affect Indian Country (18 U.S.C. 1151) in North Dakota?
North Dakota is not authorized to carry out its PWSS Program in Indian country, as that term is defined at 18 U.S.C. 1151. Indian country includes, but is not limited to, land within the formal Indian Reservations located within or abutting the state of North Dakota, including the Fort Berthold, Spirit Lake, Standing Rock and Turtle Mountain Indian

Reservations, any land held in trust by the United States for an Indian Tribe, and any other areas which are “Indian country” within the meaning of 18 U.S.C. 1151.

C. Requesting a Hearing.

Any request for a public hearing shall include: (1) the name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requester’s interest in the RA’s determination and of information that he/she intends to submit at such hearing; and (3) the signature of the requester or responsible official, if made on behalf of an organization or other entity.

Notice of any hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing and will be made by the RA in the Federal Register and a newspaper of general circulation in the state. A notice will also be sent to both the person(s) requesting the hearing and the state. The hearing notice will include a statement of purpose, information regarding time and location, and the address and telephone number where interested persons may obtain further information. The RA will issue a final determination upon review of the hearing record.

Frivolous or insubstantial requests for a hearing may be denied by the RA. However, if a substantial request is made within thirty (30) days after this notice, a public hearing will be held.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

James B. Martin

Regional Administrator, Region 8

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